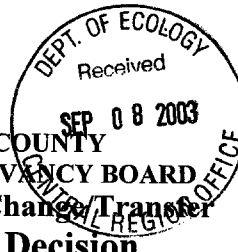




YAKIMA COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision



For Ecology Use Only	
Received:	Date Stamp
Reviewed by: _____	
Date Reviewed: _____	

Applicant: Central Pre-Mix Concrete Company

Application Number: YAKI-03-54

This record of decision was made by a majority of the board at an open public meeting of the Yakima County Water Conservancy Board held on September 3, 2003.

☒ **Approval:** The Yakima County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 3, 2003 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Yakima County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on September 3, 2003 and submits this record of decision to the Department of Ecology for final review.

Signed:

Steven Pickett, Chair
Yakima County Water Conservancy Board

Date: 09.03.03

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Dueane Calvin, Member
Yakima County Water Conservancy Board

Date: 09.03.03

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Jeff Stevens, Member
Yakima County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☒
Other ☐

Mailed to the Department of Ecology (regional office name) Regional Office of Ecology, via certified mail, and other interested parties on (date mailed).

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(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
Report of Examination

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON



Surface Water



Ground Water

DATE APPLICATION RECEIVED	PERMIT NUMBER	CERTIFICATE NUMBER Court Claim No. 01591	CHANGE APPLICATION NUMBER YAKI-03-54
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NAME Central Pre-Mix Concrete Company			
ADDRESS (STREET) 2000 Beech Street	(CITY) Yakima	(STATE) WA	(ZIP CODE) 98901

Changes Proposed:



Point of Diversion/Withdrawal



Place of Use



Purpose



Temporary



Other

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE 0.72 cfs, 216 af/yr, irrigation 0.01 cfs, stock watering, seasonal 0.015 cfs for conveyance loss						QUANTITY, TYPE OF USE, PERIOD OF USE 0.73 cfs, 217 af/yr, irrigation, seasonal between April 1 and October 15, and aggregate & industrial washing, continuous 0.015 cfs for conveyance loss					
Point of Diversion or Withdrawal						Point of Diversion or Withdrawal					
SOURCE			TRIBUTARY OF (IF SURFACE WATER)			SOURCE			TRIBUTARY OF (IF SURFACE WATER)		
Yakima River			Columbia River			Yakima River			Columbia River		
Blue Slough			Yakima River			Blue Slough			Yakima River		
Blue Slough			Yakima River			An Unnamed Pond			Yakima River		
						A Well			NA		
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
Yak. R.	NE ¼	NW ¼	28	13	19	Yak. R.	NE ¼	NW ¼	28	13	19
Blue Sl.	NW ¼	SE ¼	33	13	19	Blue Sl.	NW ¼	SE ¼	33	13	19
Blue Sl.	SW ¼	NE ¼	33	13	19	Blue Sl.	SW ¼	NE ¼	33	13	19
						Pond	E ½	SW ¼	33	13	19
						A Well	NW ¼	SE ¼	33	13	19
Place of Use						Place of Use					
						N½ SE¼ Section 33, T13N, R19 EWM. W½ SW¼, Section 34, T13N, R19 EWM. E½ SW¼, Section 33, T13N, R19 EWM, except for the portion lying west of the Yakima River levee, and except for the portion lying southeast of Blue Slough in the SE¼ SW¼.					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE, (
	NW	SE	33	13	19						

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

Water Right Priority Date: November 8, 1870

BOARD'S TENTATIVE DETERMINATION

MAXIMUM CUB FT/SECOND 0.73 cfs for irrig. & aggreg. washing, 0.015 cfs for conveyance loss	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 217	TYPE OF USE, PERIOD OF USE Irrigation, seasonal between April 1 and October 15, and aggregate & industrial washing, continuous				
SOURCE Yakima River Blue Slough Blue Slough An Unnamed Pond A Well			TRIBUTARY OF (IF SURFACE WATER) Columbia River Yakima River Yakima River Yakima River NA				
AT A POINT LOCATED: PARCEL NO. Yak. R. Blue Sl. Blue Sl. Unnamed Pond A Well	¼ NE ¼ NW ¼ SW ¼ E ½ NW ¼	¼ NW ¼ SE ¼ NE ¼ SW ¼ SE ¼	SECTION 28 33 33 33 33 33	TOWNSHIP N. 13 13 13 13 13 13	RANGE 19 19 19 19 19 19	WRIA 37 37 37 37 37 37	COUNTY. Yakima Yakima Yakima Yakima Yakima Yakima
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
N½ SE¼ Section 33, T13N, R19 EWM. W½ SW¼, Section 34, T13N, R19 EWM. E½ SW¼, Section 33, T13N, R19 EWM, except the portion lying west of the Yakima River levee, and except for the portion lying southeast of Blue Slough in the SE¼ SW¼.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	RANGE,	

DESCRIPTION OF PROPOSED WORKS

The proposed points of diversion/withdrawal are the existing surface water diversions on the Yakima River and Blue Slough, a new intake on an unnamed pond on the west portion of Central's East Valley property, and a new well located within the proposed place of use. The proposed place of use would be a portion of the existing irrigated land, a strip of land that will be used for a visual buffer around the proposed mining pits that will be constructed by Central Pre-Mix, and a new aggregate washing facility.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: November 2003	COMPLETE PROJECT BY THIS DATE: June 2005	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: November 2005
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REPORT**BACKGROUND**

Description. This transfer is needed as part of Central Pre-Mix Concrete Company's (Central's) plans to move its aggregate mining and washing operations to a more productive location. Central's adjudicated water right currently identifies three points of diversion. As a result of this change, a point of surface water diversion and a point of ground water withdrawal from a future well in the alluvial aquifer that is in continuity with the Yakima River would be added.

Central proposes to add a place of use to its water right. The current place of use consists of 36 acres in the NW¼ SE¼, Section 33, T13N, R19 EWM. Because the applicant plans to reduce the irrigated acreage in the current place of use to approximately 20 acres, the applicant wishes to add the quarter-quarter sections noted above to the place of use so that a visual buffer strip around Central's proposed mining pits can be planted and irrigated, and so that a portion of the water right can be used non-consumptively in Central's aggregate washing operations.

Central proposes to add aggregate and industrial washing as a purpose of use to the water right. Consistent with the nature of aggregate washing operations, the applicant proposes to change the period of use for water used for aggregate washing from seasonal to continuous (i.e., year-round). The irrigation portion of the water right would remain seasonal. This application clarifies that irrigation water is to be used between April 1 and October 15.

Central proposes to change the 0.01 cfs and 1 af/yr stock water portion of the existing right to irrigation/aggregate washing. The applicant understands that even though the aggregate washing operation is non-consumptive, withdrawals for both irrigation and aggregate washing at the specified Qi of 0.73 cfs will be limited to a total annual diversion of 217 acre-feet. The conveyance loss of 0.015 cfs identified in the Report of the Referee for Subbasin No. 24 would stay with the right.

The 90.14 RCW claims for this right were processed under the Yakima basin adjudication under Court Claim No. 01591. The Yakima County Water Conservancy Board (Board) has assigned this application the number YAKI-03-54.

Protests, objections or comments. The Board received no protests, objections or comments regarding this application during the public comment period.

SEPA compliance. This application requests transfer of 0.73 cfs, or 328 gpm, which is less than the 2,250 gpm threshold for SEPA review. Consequently, the Board has determined that this application is exempt from the SEPA process.

INVESTIGATION

Site visit. Steve Pickett of the Board conducted a site visit of both the existing and proposed points of diversion and places of use on July 10, 2003. Also present at the site visit were Wayne Kalbfleisch and Walt Jackson from Central, and Jeff Stevens, P.E., who has been retained by Central to assist with the application. Mr. Stevens is also a member of the Board and intends to recuse himself on this application.

Effect on other water rights. Because the proposal would not change the existing points of diversion on the Yakima River or Blue Slough, and because the applicant plans to use a portion of the transferred right non-consumptively, it is anticipated that there would be no adverse impact on other water right holders in the area as a result of the proposed changes.

Insofar as the applicant requests that an additional point of ground water withdrawal be added, the Board notes that shallow ground water in the area of the proposed well is in direct hydraulic continuity with the Yakima River, and that the effect of the proposed added ground water withdrawal would effectively be the same as a surface water withdrawal. It will be important that the ground water withdrawal be limited to the shallow alluvial aquifer.

Annual consumptive quantity. The proposed addition of different acreage and a new use (aggregate and industrial washing) requires attention to the annual consumptive quantity (ACQ) test described in 90.03.380 RCW. Information provided by Central indicates that all of the water associated with this right is now used consumptively, i.e., there are currently no return flows to either Blue Slough or the Yakima River. Central has explained that a portion of the currently irrigated 36 acres will be taken out of pasture irrigation and the water used for the aggregate washing operation. The acreage that the applicant proposes to add to this water right will be planted with drought-tolerant plants that will serve as a visual buffer around the gravel mining operation. Once established, little additional water other than normal precipitation will be required for this thin buffer strip.

The applicant has provided the Board with the following ACQ assumptions.

- 20 acres will be planted in turf and another 10 acres in a buffer strip consisting of trees such as arborvitae, for a total of 30 acres under irrigation.
- A water duty of 4 acre-feet per acre to be used consumptively on the turf and buffer strip per the State of Washington Irrigation Guide. This assumption allows for normal watering efficiencies.
- Water not used for irrigation will be used in the aggregate washing operation. Water will be stored in a pond with a surface area of approximately 2 acres prior to being re-pumped to wash aggregate.
- Pan evaporation rates for the storage lagoon provided by the Western Regional Climate Center.

Based on these assumptions, in a typical year approximately 120 acre-feet (30 acres times 4 acre-feet per acre) would be used for irrigation, leaving 96 acre-feet for the aggregate washing operation. Pond evaporation is estimated at approximately 1 acre-foot per year, assuming that the 96 acre-feet per year is pumped continuously into the pond at a rate of about 1 gpm, and that the amount of evaporation of this water is proportional to the total amount supplied to the pond. Central's other water right, assuming the pending change for that right is also approved, would continuously supply the pond with approximately another 583 gpm.

These calculations indicate that of Central's annual withdrawal quantity, 216 acre-feet, approximately 121 acre-feet would be used consumptively in a typical year (120 acre-feet for irrigation and 1 acre-foot for evaporation). The remainder would be used non-consumptively to wash aggregate. Because the anticipated consumptive amount is less than the amount that the applicant asserts is currently used consumptively, the Board finds that the proposed transfer satisfies the ACQ test.

Effect on pending permit or change applications. There are currently no permit or change applications in the State's WRATS database that are listed in the same quarter section for either the existing or proposed operations. The only nearby applications are located in the NW quarter of Section 20, T13N, R19E, which is upstream from the existing point of diversion and place of use.

Effect on instream flows. Any water used non-consumptively as a result of this change would be diverted, after use and treatment, to the Yakima River. This action would leave a portion of the instantaneous quantity, 0.73 cfs, in the Yakima River, which the applicant submits would enhance instream flows in the Yakima River. To the Board's knowledge, this transfer is not in conflict with any instream flow objectives in the recently completed Yakima basin watershed plan.

Public Interest. The Washington State Supreme Court has determined that the public interest test outlined in 90.03.290 RCW does not apply to changes to surface water rights covered under RCW 90.03.380. Nevertheless, there has been no indication that approval of this application would be detrimental to public interest.

Abandonment and relinquishment. The Report of the Referee for Subbasin 24 states as follows:

"...WRC Nos. 057376 through 057378 assert rights to the Yakima River delivered via the Blue Slough diversion located in Section 28, T. 13 N., R. 19 E.W.M. [Former owner] Mr. Pimplott testified that this personal knowledge dates to 1978 when he purchased the property and took over irrigation. Ray Lester, a neighbor with 60 to 70 years of familiarity with the irrigation on this land, assured Mr. Pimplott of the long history of water use via Blue Slough.

"The Referee recommends confirmation of a right for 36 acres of irrigation from the Yakima River / Blue Slough. The priority date recommended is November 8, 1870, based upon the Riparian Doctrine."

Water for irrigation and stock watering has been put to use as allowed by the Court since the Court's decision. Verification that these activities are on-going was made at the Board's site visit. On the basis of this information, the Board concludes that the quantities requested for transfer have been put to beneficial use and have been neither abandoned nor relinquished due to nonuse.

CONCLUSIONS

Validity of Right. It is the Board's tentative determination that right is valid and eligible for transfer as requested. Evidence provided during and since the adjudication indicates that the right has not been abandoned or relinquished.

Impairment. The Board concludes that the proposed transfer would not impair existing surface water or ground water rights. The Board also finds that there are no pending applications for permit or change that would be impaired, and that the proposed transfer would not impair instream flows.

RECOMMENDATIONS

The Yakima County Water Conservancy Board hereby accepts for approval the water right changes proposed herein on September 3, 2003, and submits this Report of Examination to the Director of the Washington State Department of Ecology for final review.

PROVISIONS AND CONDITIONS

The following provisions are appropriate for the proposed change.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded and shall be submitted to Ecology upon request.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gauge may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

Ground water may only be withdrawn from strata in direct hydraulic continuity with the Yakima River.

The combined annual amount of water diverted for irrigation and for aggregate and industrial washing shall not exceed the annual withdrawal quantity of this right, 217 acre-feet per year.

Continued

Signed at Yakima, Washington

This ____ day of _____, 2003

Steven Picket, Chair
Yakima County Water Conservancy Board

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For attachments not included or for more information please contact:

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